

**UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY**

WILFREDO TORRES
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February 14, 2017

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The Honorable Katharine S. Hayden
Senior U.S. District Court Judge
Martin Luther King Jr. Federal Building and Courthouse
P.O. Box 0999
Newark, NJ 07101-0999

**RE: Austin, Chyquin
Dkt. No. 03-CR-844-02
Status Update**

Dear Judge Hayden:

On April 18, 2007, the above-named offender was sentenced by Your Honor upon being convicted of Assault in Aid of Racketeering. Austin was sentenced to fifty-five (55) months custody, three (3) years supervised release. Special conditions imposed during the supervision term were drug testing and treatment, and prohibition from associating with members of the Bloods street gang.

On March 24, 2010, Austin was released from custody, and commenced the supervision term with a case expiration date of March 23, 2013.

The offender was arrested by the Newark Police Department on November 13, 2012, charged with possession of a controlled dangerous substance (heroin), possession of heroin with intent to distribute, and possession of heroin with intent to distribute within 1,000 feet of a school zone. He was released on November 14, 2012 after posting bail on the charges.

In that the above criminal charges were undisposed of nearing the supervision expiration term, Your Honor issued a summons dated March 13, 2013. The violations cited in the petition were the new arrest, failures to report to the probation office as instructed, and failure to pay the special assessment and fine. Austin was ordered to appear before the Court on April 16, 2013. Violation proceedings were adjourned pending adjudication of the pending state case.

Austin appeared in Essex County Superior Court on September 22, 2014, and pled guilty to the offense of distribution of a controlled dangerous substance on or near school property. He was sentenced on November 3, 2014 to three (3) years New Jersey State Prison with a stipulation that he serve eighteen (18) months custody prior to becoming eligible for parole consideration.

The offender completed service of the above custodial term on March 9, 2016. Upon release from custody Austin reported to our office and has resided with his uncle at 259 22nd Street, Irvington, New Jersey. Within a couple of weeks of being released he secured employment with Performance Food Group as a truck driver. He remained at this job until May 2016, when he left for a promise of better employment.

From May 2016 through present Austin has been employed with Maximum Foods which is located at 3351 Tremley Point Road, Linden, New Jersey. He is a truck driver working daily from 4am-5pm, earning \$16.50 per hour.

We are respectfully requesting that Your Honor vacate the summons dated March 13, 2013. Our recommendation is based upon the state sentence served by the offender, in addition to Austin's positive adjustment to the community evidenced by his remaining arrest free, securing a stable residence, and maintaining full-time gainful employment. This will also allow Probation to close our interest in the case. If Your Honor has any questions, please contact the undersigned officer at (973) 223-1013.

Respectfully submitted,

WILFREDO TORRES, Chief
U.S. Probation Officer

Kevin J. Mullens

By: Kevin J. Mullens
Supervising U.S. Probation Officer

/kjm

The Court Orders:

☒ The warrant issued on March 13, 2013 is vacated and the pending violation of supervised release is dismissed without prejudice with supervision terminated

☐ The summons is to remain active with a hearing date of _____.

Katherine Stagle

Signature of Judge

2/14/17

Date